

### **REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-12 and 18-28 were pending in the application, of which Claims 1, 12, and 18 are independent. In the Final Office Action dated September 17, 2009, Claims 1-12 and 18-28 were rejected under 35 U.S.C. § 103. Following this response, Claims 1-12 and 18-28 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

#### **I. Change to Attorney Docket Number**

Please note that the Attorney Docket Number for this application is now 60374.0192US01/A-8121.

#### **II. Rejection of the Claims Under 35 U.S.C. § 103(a)**

In the Final Office Action dated September 17, 2009, the Examiner rejected Claims 1-6, 9-10, 12, 18-23, and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,570 ("*Judge*") in view of U.S. Patent No. Enterprise JavaBeans Component Architecture: Designing and Coding Enterprise Applications ("*EJB*"). In addition, the Examiner rejected Claims 7-8, 11, 24-25, and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Judge* in view of *EJB* and a traversed Official Notice. Claims 1, 12, and 18 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "receiving an information object along with the application state, the information object being associated with at least one of the following: results of application unloading, presentation options in conjunction with the application unloading, and at least one of: graphics, text, and sound to be provided along with the presentation options." Amended Claims 12 and 18 each include a similar recitation. Support for these amendments can be found in the specification at least on page 5, lines 17-27.

In contrast, and as stated by the Examiner, *Judge* and *EJB* do not disclose providing unload information including unload information results, explanations, and choices. (See Office Action pages 13-14.) The Examiner takes official notice to the alleged fact that, when an application is removed from memory, it is common for a user to be prompted with information informing the user of application removal results. (See Office Action page 13, paragraph 1.)

Applicant respectfully submits that the Examiner has failed to provide support for said alleged fact. If the Examiner continue to rely on this unsupported contention, Applicants respectfully request the Examiner to provide support. See, In re Zurko, 258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001) (holding that the USPTO must point to some concrete evidence in the record to support core factual findings in a determination of patentability); Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support as sole or principal evidence on which to base rejection); 37 C.F.R. § 1.104 (providing that when a rejection in an application is

based on facts within the personal knowledge of an Examiner, the data should be stated as specifically as possible, *and the facts must be supported*, when called for by the applicant, by an affidavit from the Examiner); MPEP § 2144.03 (providing that the Examiner may only take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner *should cite a reference* in support of his or her position).

Moreover, even if the Examiner's contention were true, Applicant respectfully submits that *Judge* and *EJB* still fail to disclose the aforementioned recitation from Claim 1. For example, and as stated by the Examiner, *Judge* and *EJB* do not disclose providing unload information including unload information results, explanations, and choices. (See Office Action pages 13-14.) Consequently, *Judge* and *EJB* cannot disclose providing an information object containing unload information results as well as media for presenting the unload information results, explanations, and choices. Rather, *Judge* and *EJB* fail to disclose unload information provision all together and are silent as to information object provision along with an application state.

Combining *Judge* with *EJB* would not have led to the claimed subject matter because *Judge* and *EJB*, either individually or in any reasonably combination, at least do not disclose "receiving an information object along with the application state, the information object being associated with at least one of the following: results of application unloading, presentation options in conjunction with the application unloading, and at least one of: graphics, text, and sound to be provided along with the presentation options," as recited by amended Claim 1. Amended Claims 12 and 18

each include a similar recitation. Accordingly, independent Claims 1, 12, and 18 each patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 1, 12, and 18.

Dependent Claims 2-11 and 19-18 are also allowable at least for the reasons described above regarding independent Claims 1 and 18, and by virtue of their respective dependencies upon independent Claims 1 and 18. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 2-11 and 19-18.

### III. Conclusion

In view of the foregoing, Applicant respectfully submits that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Final Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Final Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

P.O. Box 2903  
Minneapolis, MN 55402-0903  
404.954.5066

/D. Kent Stier/

Date: December 17, 2009

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D. Kent Stier  
Reg. No. 50,640

DKS:mdc

